Supreme Court of the United States.

S. DUFFIELD MITCHELL, Receiver in Bankruptcy of JOSEPH McD. SCOTT, doing business as J. McD. SCOTT & CO., Plaintiff in Error,

vs.

JOHN C. McCLURE and W. REED & COMPANY.

No. 745 October Term, 1898.

In Error to the District Court of the United States for the Western District of Pennsylvania.

To the Honorable, the Judges of said Supreme Court of the United States:

The petition of S. Duffield Mitchell, Receiver in Bankruptcy of Joseph McD. Scott, doing business as J. McD. Scott & Co., plaintiff in error above named, respectfully represents.

That the record in the above entitled case presents solely the question of the jurisdiction of the District Court of the United States as a court of bankruptcy, to entertain an action of replevin, which the receiver in bankruptcy has brought, to recover possession of goods, alleged by him to have been transferred by the bankrupt in fraud of the rights of the creditors of the bankrupt.

That the writ of error in said case is taken under section 5 of the Act of March 3rd, 1891, and the only question

in issue is the question of the jurisdiction of the court below, and, as your petitioner is advised, the said case is such a one as may be advanced on motion, upon order of your Honorable Court, under rule No. 32.

Wherefore your petitioner prays your Honorable Court that said case may be advanced for oral argument upon the argument list to such time for hearing at October Term, 1898, as your Honorable Court may find proper and convenient.

And he will ever pray, etc.

S. DUFFIELD MITCHELL,
Receiver, etc., Petitioner.

Commonwealth of Pennsylvania, }
County of Allegheny. } *ss.*

Before me personally appeared S. Duffield Mitchell, who, being duly sworn according to law, deposes and says that he is the receiver in bankruptcy of Joseph McD. Scott, doing business as J. McD. Scott & Co., plaintiff in error in the above entitled case, and that the statements made in the foregoing petition for the advancement of the above cause are true and correct to the best of affiant's knowledge and belief.

S. DUFFIELD MITCHELL.

Sworn to and subscribed before me }
this 13th day of April, A. D. 1899. }

JAMES S. CRAWFORD,
Notary Public.